

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

IN RE:

CHAPTER 11

MOBILESMITH, INC.

Case No. 22-02319-5-JNC

**LIMITED OBJECTION TO EMERGENCY MOTION TO DETERMINE THE EXTENT
OF LIEN AND USE OF CASH COLLATERAL**

NOW COMES Hyposwiss Private Bank Geneva Ltd (“Hyposwiss”), by and through undersigned counsel, and hereby files this limited objection to the Debtor’s Emergency Motion to Determine the Extent of Lien and Use of Cash Collateral (“Motion”) filed October 13, 2022 [DE 11], and in support thereof shows unto the Court as follows:

1. On October 12, 2022, Mobilesmith, Inc. (“Debtor”) filed the above-captioned case under Chapter 11 of the United States Bankruptcy Code.
2. On October 13, 2022, the Debtor filed the Debtor’s Emergency Motion to Determine the Extent of Lien and Use of Cash Collateral [DE 11].
3. The Motion seeks authority for the Debtor to use cash collateral pursuant to 11 U.S.C. §363 based on the budget attached to the Motion as Exhibit A (“Budget”). The Motion also offers certain adequate protection to Hyposwiss (and other secured creditors).
4. Hyposwiss believes that it is entitled to adequate protection in addition to that provided in the Motion. Hyposwiss is currently negotiating in good faith with counsel for the Debtor to reach a consensual cash collateral order. Hyposwiss files this limited objection in order to preserve its rights in the event that such consensual order cannot be reached.

WHEREFORE, Hyposwiss prays that the Court: (i) deny the relief requested in the Motion as currently set forth; and (ii) grant Hyposwiss such other and further relief as it may be entitled.

This the 17th day of October, 2022.

By: s/Kevin L. Sink
Kevin L. Sink
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Counsel for Hyposwiss Private Bank Geneva Ltd

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing **LIMITED OBJECTION TO EMERGENCY MOTION TO DETERMINE THE EXTENT OF LIEN AND USE OF CASH COLLATERAL** was served this day via CM/ECF service on the following:

VIA CM/ECF EMAIL SERVICE ONLY

Brian Behr

Bankruptcy Administrator

J.M. Cook

Counsel for the Debtor

This the 17th day of October, 2022.

By: s/Kevin L. Sink

Kevin L. Sink

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